

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 82 By Senator LaFleur

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

COMMERCIAL REGULATIONS. Provides for the regulation of explosives. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes the fees for various types of explosive licenses.
2. Increases all license terms to four years.
3. Provides for the issuance of blaster and handler licenses.
4. Adds that costs associated with fingerprints are to be borne by the applicant.
5. Adds that to qualify for a license an applicant cannot have been determined by a judge of this state or any other state to be a credible threat to the physical safety of another, nor a person who is subjected to the provisions of an active protective order, or prohibited from possessing or receiving a firearm by law.
6. Adds that black powder in excess of five pounds that is stored at a private residence shall be reported in writing by the homeowner, occupant, or resident, as the case may be, to the chief of a fire district or department of competent jurisdiction.
7. Allows an applicant for a license to perform duties that would require a license if the applicant meets certain conditions.
8. Deletes the requirement for a fingerprint during the background investigation.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law provides that the provisions of Part 5-A of Title 40 are cumulative and not to be construed as repealing or affecting any powers, duties, or authorities of the deputy secretary for public safety services of the Department of Public Safety and Corrections under any other law of this state; provided that with respect to the regulations of explosives, in instances where the provisions of Part 5-A may conflict with any other such law, the provisions of this Part 5-A control.

Proposed law retains present law and provides that regulations promulgated by the deputy secretary for public safety services of the Department of Public Safety and Corrections do not apply to the lawful purchase by a non-licensee or non-permittee 21 years of age or older of commercially manufactured black powder in quantities not to exceed five pounds, or quantities not to exceed 25 pounds if purchased by a member of a bona fide artillery unit of historical reenactors, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in "antique firearms" as defined in 18 U.S.C.921(a)(16) or in antique devices as exempted from the term "destructive device" in 18 U.S.C. 921(a)(4).

Present law defines "explosives" as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

Present law provides for issuance of licenses to manufacturers, dealer-distributors, users, blasters, or handlers.

Proposed law provides that an applicant for a license employed by a licensed manufacturer, will be permitted to work and to perform duties that would otherwise require a license provided the following conditions are all met:

- (a) The applicant has submitted a complete application for a handler license.
- (b) The applicant has successfully completed the required training.
- (c) The applicant has been drug screened and found free of controlled dangerous substances.
- (d) The applicant is found to meet the suitability requirements for licensing.

Proposed law provides that when certain conditions of proposed law have been fulfilled and the department has preliminarily determined the applicant to be suitable for licensing, the department must, within 5 days from receipt of application unless exigent circumstances dictate otherwise, inform the applicant as to his provisional status to begin work.

Proposed law requires that during the provisional status, the currently licensed manufacturer will be responsible to ensure the applicant performs all activities under their direct supervision or the supervision of a licensed designee in their employ. Further requires that a licensee direct, coordinate and control all activities of the applicant at all times while at work and cannot permit the applicant to work independently with explosives until fully licensed by the Department of Public Safety and Corrections.

Present law requires the department to execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant. Further requires fingerprints be forwarded to the Federal Bureau of Investigations.

Proposed law deletes the fingerprint requirement but allows the department to request such fingerprint.

Present law provides for the following fees for licenses to handle explosives:

	1 yr.	2 yr.	3 yr.
(1) Manufacturer	\$200	\$400	\$550
(2) Dealer-distributor \$200	\$400	\$550	
(3) User	\$100	\$200	\$250
(4) Magazine	\$50	*	*
(5) Blaster	\$50	\$125	\$200
(6) Handler	\$50	\$100	\$125

Proposed law changes the fees for magazine and blaster licenses as follows: \$100 for the second year, \$150 for the third year and \$200 for the fourth year.

Proposed law also provides for the following fees in the fourth year:

(1) Manufacturer	\$700
(2) Dealer-distributor	\$700
(3) User	\$300
(4) Handler	\$150

Present law provides for a three-year license term for all licensees, except a magazine licensee whose license will be for one year.

Proposed law increases the term for all licenses to four years.

Proposed law adds that the department may issue blaster and handler licenses to qualified individuals who seek such a license and who are not, at the time of application, employed by a license manufacturer, dealer-distributor, or user.

Proposed law provides that to qualify for a license an applicant shall not have been determined by a judge of this state or any other state to be a credible threat to the physical safety of another, nor a person who is subjected to the provisions of an active protective order, or prohibited from possessing or receiving a firearm by law.

Proposed law provides that costs associated with obtaining fingerprints will be borne by the applicant.

Proposed law will not apply to the use of commercially manufactured black powder by historical and cultural reenactors 16 years of age or older or the acquisition and use of

commercially manufactured black powder by historical and cultural reenactors twenty-one years of age or older, who have completed the Louisiana State Parks Black Powder Certification. The acquisition and possession of black powder shall be limited to quantities not to exceed the following:

1. Twenty-five pounds for historical and cultural reenactors who hold artillery designation with a bona fide unit of historical reenactors.
2. Five pounds for all other lawful purchasers.

Proposed law further provides that persons acquiring commercially manufactured black powder in quantities in excess of five pounds shall produce evidence of current certification from Louisiana State Parks for participation in Louisiana historical and cultural reenactments.

Proposed law provides that black powder in excess of 5 pounds that is stored at a private residence shall be reported in writing by the homeowner, occupant, or resident, as the case may be, to the chief of a fire district or department of competent jurisdiction.

Present law requires that no person can possess an explosive unless he is the holder of a valid license and possesses such explosives for the purpose set forth by the license.

Present law provides an exception for contract and private carriers operating in interstate and intrastate commerce.

Proposed law retains present law and includes an exception for cultural and historical reenactors who are members of a bona fide artillery unit and who have completed the Louisiana State Parks Black Powder Certification and possess commercially manufactured black powder in quantities of 25 pounds or less.

Proposed law requires that all sales made to historical and cultural reenactors bear upon the sales invoice the roster or unit number of the individuals to be assigned by the dealer-distributor. Further requires that a current roster be maintained by the dealer-distributor and provided to the deputy secretary annually.

Present law prohibits any manufacturer or dealer-distributor from selling any explosive unless the purchaser is duly licensed and authorized to purchase such explosives and the explosives are used by the purchaser for a purpose covered by the purchaser's license.

Proposed law retains present law and specifies that the present law will not apply to lawful purchases by a non-licensee or non-permittee of commercially manufactured black powder in quantities not to exceed 5 pounds, if the black powder is intended to be used solely for sporting, recreational or cultural purposes in antique firearms as defined in 18 U.S.C. 921(a)(16), or in antique devices as exempted from the term "destructive device" in 18 U.S.C. 921(a)(4).

Present law requires any sheriff, police department, or peace officer to give immediate notice to the deputy secretary of any losses, thefts, illegal uses, or illegal possession of explosives and requires him to forward a copy of his final written report to the deputy secretary.

Present law requires any manufacturer, dealer-distributor, user, blaster, or handler who knows that explosives in his possession have been lost, stolen, or otherwise misappropriated to immediately notify the nearest sheriff's office or police department and the deputy secretary of such fact. Proposed law retains present law and adds historical and cultural reenactors to the list of individuals who must notify law enforcement personnel.

Present law provides that it is unlawful to store explosives within the boundaries of the state of Louisiana unless such explosives are in a storage magazine properly licensed.

Proposed law retains present law but allows the storage of commercially manufactured black powder by historical and cultural reenactors of 25 pounds or less to be stored in the factory-provided packages and boxes or in an approved day-box portable magazine.

Effective August 15, 2009.

(Amends R.S. 40:1472.1, 1472.2(7)(intro para),1472.3(A)(1), (C)(1), (D), and (E)(1) and (3)(b), 1472.6(A), 1472.7(A), and 1472.12(A); adds R.S. 40:1472.3(E)(2)(p) and (3)(c), and (L), 1472.4(B)(2), and 1472.5(I))

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